RCMP External Review Committee

2008-2009

Departmental Performance Report

The Honourable Peter Van Loan, P.C., M.P.
Minister of Public Safety
(Public Safety and Emergency Preparedness Canada)

Table of Contents

CHAIR'S MESSAGE 1

SECTION I: DEPARTMENTAL OVERVIEW 2
- Raison d'être 2
- Responsibilities 2
- Strategic Outcome and Program Activity Architecture 3
- Performance Summary 3
- Contribution of Priorities to Strategic Outcome 5
- Expenditure Profile 6
- Voted and Statutory Items 7

SECTION II: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME 8
- Strategic Outcome 8
- Program Activity by Strategic Outcome 8
  - Program Activity #1: Independent and impartial case review 8
  - Program Activity #2: Outreach and information dissemination 14

SECTION III: SUPPLEMENTARY INFORMATION 17
- Financial Highlights 17
- Financial Highlights Chart 18
- Financial Statements 19
- List of Supplementary Information Tables 20
- Other Items of Interest 20
- Resource Person 21

CHAIR'S MESSAGE

The ERC is a very small independent agency of the government, made up of myself, who is the the sole member and Chair as well as the Chief Executive Officer, one Executive Director/Senior Counsel, and four permanent staff members. In recent years, the ERC has benefited from the addition of temporary positions. The ERC has a very specific mandate. Its role is to conduct impartial and independent reviews of RCMP labour relations cases. In doing so, and with the help of a strong outreach program, it aims to positively influence the manner in which labour relations issues are addressed within the RCMP.

In addition to reporting its findings and recommendations to the Commissioner of the RCMP, the ERC also engages in important outreach and information dissemination to ensure that its work is reliably known and understood by RCMP members.

Proudly the ERC continues to meet all of its corporate reporting responsibilities. This is significant because increased accountability measures across the public service generally have presented an increased amount of work in the areas of staffing, resource management, management accountability and human resources planning.

In support of the ERC's commitment to improving the timeliness of its findings and recommendations, it has proposed the combination of a long term funding increase and streamlined internal processes. The latter have resulted in permanent improvements - to a point. Also, improvements resulting from a short term funding increase are short-lived.

The evidence found through the exercise of the ERC's performance review process directly links its improved timeliness and production to the increase in its resources. I am pleased that the ERC has been able to make effective use of these resources.

Catherine Ebbs

Catherine Ebbs
Chair

SECTION I: DEPARTMENTAL OVERVIEW

Raison d'être

The RCMP External Review Committee (ERC) is an independent federal tribunal that helps to ensure fair and equitable labour relations within the Royal Canadian Mounted Police (RCMP). The ERC does this by conducting thorough impartial reviews of certain types of grievances, as well as disciplinary appeals, and discharge and demotion appeals.

The ERC's reviews contribute to transparency, fairness, and impartiality in RCMP labour relations processes for regular and civilian members. The ERC's jurisdiction is restricted to regular members and civilian members only. Public servants employed by the RCMP have a separate labour relations process.

As one of two oversight/review bodies over the RCMP (the other being the Commission for Public Complaints Against the RCMP (CPC)), the ERC plays an important role in maintaining public confidence in the RCMP and ensures that it respects the law and human rights.

For more information on the ERC, visit the website at: www.erc-cee.gc.ca

Responsibilities

The ERC was established in 1988 under Part II of the *RCMP Act* with a distinct mandate. Its role is to conduct impartial and independent reviews of RCMP labour relations cases. These cases include grievance reviews in areas such as harassment, travel entitlements and relocation as well as appeals involving disciplinary measures, discharge and demotion.

Once a review is completed, the ERC provides its findings and recommendations on the case to the Commissioner of the RCMP. The ERC provides findings and recommendations only. The Commissioner of the RCMP takes the final decision and should the decision not follow the ERC's recommendations, the law requires that the Commissioner give reasons for not doing so.

In addition, the ERC engages in outreach activities designed to educate the RCMP and the public about its activities. The ERC issues a quarterly *Communiqué* and maintains a website (www.erc-cee.gc.ca) that includes summaries of all cases that the ERC has reviewed as well as articles of interest.

Strategic Outcome and Program Activity Architecture

Strategic Outcome
The Royal Canadian Mounted Police External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the Royal Canadian Mounted Police
Program Activity 1
Independent and impartial case review
Program Activity 2
Outreach and information dissemination

Performance Summary

2008-09 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
1,485	1,559	1,393

2008-09 Human Resources (FTEs)

Planned	Actual	Difference
10 *	9 **	1

* 1 FTE is for 9/12th of the year.
** External service provider was used in place of 1 planned FI FTE in this fiscal year.

($ thousands)

Strategic Outcome: The Royal Canadian Mounted Police External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the Royal Canadian Mounted Police						
Program Activity	**2007-08 Actual Spending**	**2008-09**				**Alignment to Government of Canada Outcomes**
		Main Estimates	**Planned Spending**	**Total Authorities**	**Actual Spending**	
Independent and impartial case review	1,016	1,189	1,189	1,235	1,191	The Strategic Outcome of the RCMP External Review Committee supports all government outcomes: **1. Economic Affairs** - income security and employment for Canadians; - strong economic growth; - a fair and secure marketplace. **2. Social Affairs** - healthy Canadians; - safe and secure communities; - a diverse society that promotes linguistic duality and social inclusion; - a vibrant Canadian culture and heritage. **3. International Affairs** - a safe and secure world through international cooperation. **4. Government Affairs**
Outreach and information dissemination	198	296	296	317	202	
TOTAL	**1,214**	**1,485**	**1,485**	**1,552**	**1,393**	

Contribution of Priorities to Strategic Outcome

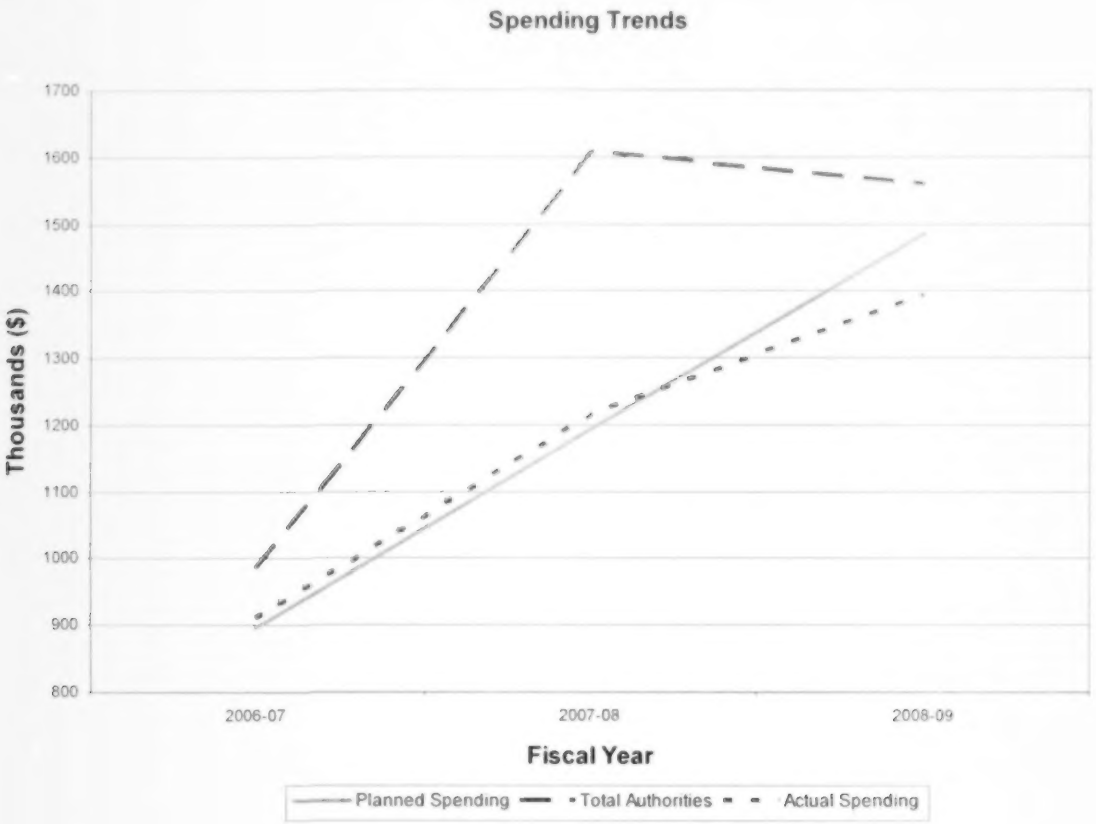
Operational Priorities	Type	Status	Linkages to Strategic Outcome
Continue to deliver on statutory mandate	ongoing	Successfully met - Despite staffing challenges, reviews continued unabated	Strategic Outcome 1 and Program Activity 1
Raising awareness through outreach	ongoing	Successfully met - outreach activities were combined with other activities in order to maintain visibility within community - website traffic increased due in part to enhancements concurrent with Common Look and Feel enhancements	Strategic Outcome One, and Program Activity 2
Management Priorities	**Type**	**Status**	**Linkages to Strategic Outcome**
Enhancement of the corporate management framework and infrastructure	ongoing	Not met - unable to classify position for dedicated professional	Strategic Outcome1 and Program Activity 1 and 2
Continue to invest in our people	ongoing	Successfully met - continuing professional development delivered - acting opportunities provided	Strategic Outcome 1 and Program Activity 1 and 2

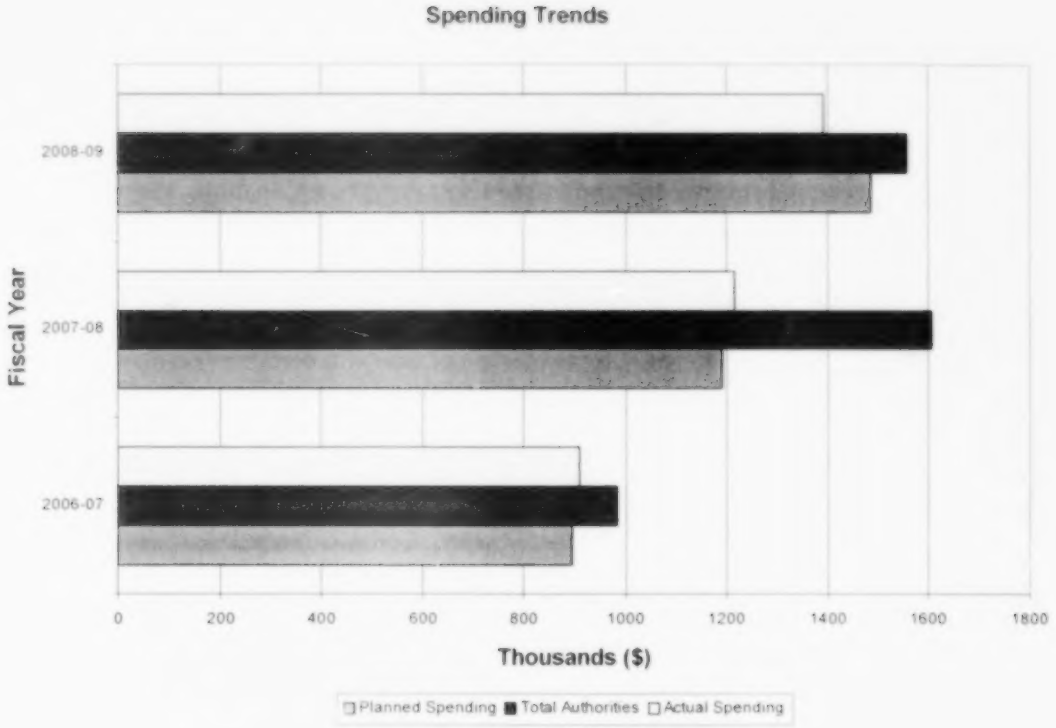
Expenditure Profile

The ERC was successful in achieving its targets partly because of temporarily increased authorities. The charts below reflect the lag in spending due to challenges in staffing positions.

($ thousands)

Fiscal Year	Planned Spending	Total Authorities	Actual Spending
2006-07	895	985	909
2007-08	1,192	1,606	1,214
2008-09	1,485	1,559	1,393





Voted and Statutory Items

($ thousands)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2006-07 Actual Spending	2007-08 Actual Spending	2008-09 Main Estimates	2008-09 Actual Spending
65	Program expenditures	815	1,062	1,333	1,234
(S)	Contributions to employee benefits plans	94	152	152	159
Total		909	1,214	1,485	1,393

As indicated above, actual spending increased in 2008-2009 further to temporarily increased authorities in order to meet statutory obligations.

SECTION II: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome

The 2008-09 Report on Plans and Priorities has one Strategic Outcome:

> *The Royal Canadian Mounted Police External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the Royal Canadian Mounted Police.*

To achieve its Strategic Outcome, the ERC has identified two Program Activities:

1. *Independent and impartial case review*
2. *Outreach and information dissemination*

Program Activity by Strategic Outcome

Program Activity #1: Independent and impartial case review					
2008-09 Financial Resources ($thousands)			**2008-09 Human Resources (FTEs)**		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
1,189	1,235	1,191	8*	8	0

Expected Results	**Performance Indicators**	**Targets**	**Performance Status**	**Performance Summary**
Parties and RCMP Commissioner are provided with an independent review of the dispute to facilitate transparent and accountable dispute resolution.	Percentage of cases where findings and recommendations are issued.	100% of referred files, subject to Grievor's right to withdraw	Met all	31 findings and recommendations were issued and no cases were withdrawn.

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
A body of findings and recommend-ations is created to assist RCMP Level 1 Adjudicators, parties, RCMP Commissioner and staff representatives to interpret legislation, regulations and policy.	Number of times legislative, regulatory or policy interpretative guidance provided in findings and recommendations.	As required	Met all	All relevant reports have been appended to the growing knowledge base maintained in the ERC website which has been upgraded in compliance with TBS Common Look and Feel Directive.
Identification of areas for legislative, regulatory or policy change/clarification	Number of recommendations for change/ clarification provided in findings and recommend-ations.	As required	Somewhat met	This measure applies only when such findings are identified. This number was statistically insignificant in this year.

* 1 FTE is for 9/12th of the year.

The ERC concludes matters referred to it by the RCMP either on the basis of the material in the record or following a hearing. In conducting its reviews, the ERC attempts to achieve timeliness and quality in its analysis and recommendations, and an equitable balance between all of the interested parties. It relies on the principles of administrative and labour law and it respects the remedial approach indicated by the *RCMP Act*. In each case, the ERC considers the public interest along with the members' interest in fair and equitable treatment.

The statutory mandate of the ERC in the *RCMP Act* is case review and it is in this respect that program activity 1 supports priority 1.

Benefits for Canadians

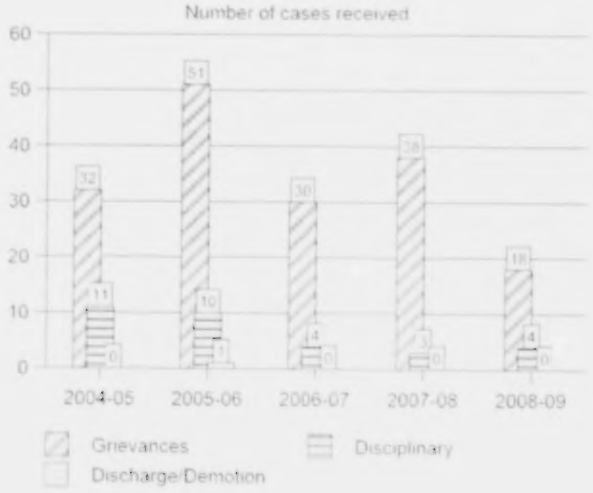
Canadians are served through the ERC's contribution to fair, transparent and accountable labour relations processes within the RCMP. They are assured that RCMP members are treated by Canada's national police force as would be expected by Canadians whose tax revenues support it.

Performance Analysis

Case Review

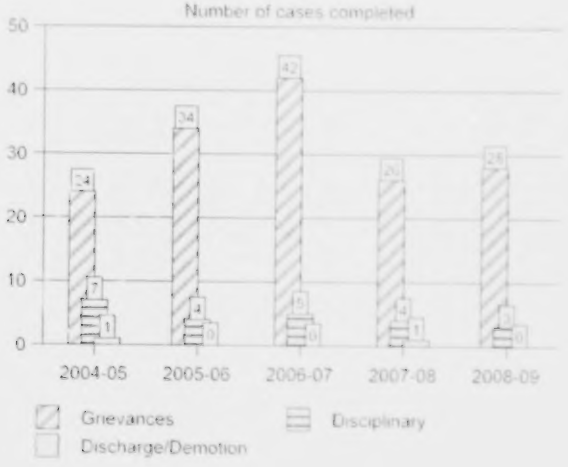
Referrals

Twenty-two cases were referred to ERC in 2008-2009: 18 grievances and 4 disciplinary appeals. The ERC received no referrals of discharge and demotion appeals this year.



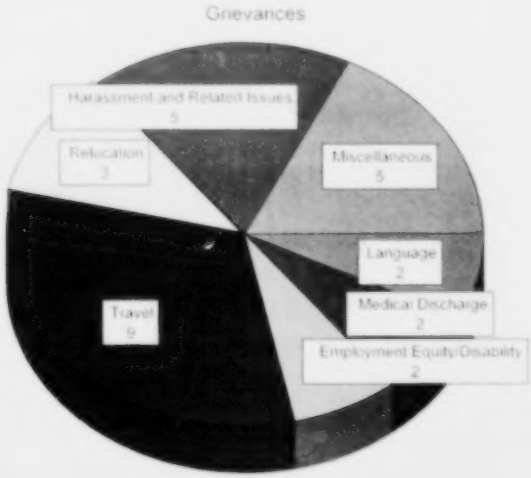
Cases Completed and Recommendations Issued

The ERC completed 31 cases in 2008-2009: 28 regarding grievances and 3 regarding disciplinary appeals.



Grievances

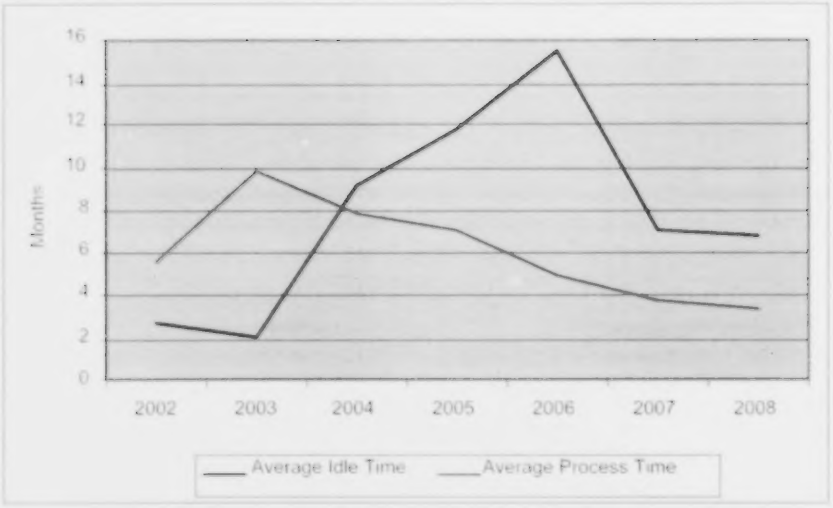
The chart below shows the distribution of this year's grievance recommendations by subject matter.



Performance Improvement

Over the years the complexity of the Force's employment policy suite has grown. Similarly, the files referred to the ERC have increased in volume and complexity. The ERC has taken steps to reduce the time to analyse each file - the sole factor within its control. Since 2003, the average analysis time has decreased. Nonetheless, despite the ERC's efforts, the idle time - from receipt of the file to the start of the analysis - continued to increase.

As a result of additional short term funding that the ERC received, there were immediate and measurably positive results. The average idle time for files referred to the ERC decreased in the year that resources were deployed. While the trend in the idle time has leveled out, the ERC is continuing to improve its processing time. The graph below illustrates this trend as well as the positive results of the ERC's continued efforts to reduce both the processing time as well as the idle time.



For grievances, the ERC's ideal objective is to issue its findings and recommendations within three months of the case being referred to it. For discipline and discharge and demotion cases, the ERC strives for a standard of six months. These service standards are not currently being met.

At the start of 2008-09, 69 grievances and appeals were pending before the ERC. At the fiscal year end of 2008-09, there were 60 cases before the ERC for review. Two-thirds of these cases were referred to the ERC more than one year before, and one-quarter were referred more than two years before. They were distributed as follows:

- 48 pending grievances; and
- 12 pending disciplinary appeals.

Other Activities

The ERC's workload includes significant reporting and corporate requirements. Unlike most departments and agencies, the ERC has no specialists in areas such as procurement, finance, human resources and knowledge management. As a result, staff members assume many duties to address corporate management demands in order to meet the same reporting requirements of a large department. These reporting pressures contribute to delays in the case review process.

Lessons Learned

From this year's analysis the ERC can say with certainty that its operational capacity has improved.

Previously its small complement of full time staff had been challenged to meet the expectations of central reporting agencies at the same time as discharging its statutory mandate. In the prior

year, the ERC temporarily realigned its staff to ensure that there was support for strategic corporate planning and reporting, in response to an immediate need, but only at the expense of case review.

The Limitations of Temporary Funding

A variety of issues prevented the ERC from fully exploiting its temporary additional funding to the extent anticipated. The ERC experienced barriers through the classification process, the staffing process, and the professional services procurement process .

Staffing choices were limited because of the determinate nature of the funding. Candidates were less inclined to participate in a staffing process for a determinate position, and they were similarly motivated to leave the ERC's determinate positions for indeterminate ones elsewhere in the public service.

The ERC having no specialist capacity in these processes found that the processes themselves, diverted staff from their established duties.

Keeping up with increased Corporate Support demands

The ERC is subject to the same accountability and reporting requirements as large departments. Greater demands from central agencies for management accountability reporting has increased the resources that departments must allocate to corporate functions. Increased corporate pressures apply equally to the ERC.

As the ERC has few corporate resources, it was required to reassign staff from case review to address mandatory governance initiatives. The additional funding of limited duration has been of assistance.

Program Activity #2: Outreach and information dissemination					
2008-09 Financial Resources (Sthousands)			**2008-09 Human Resources (FTEs)**		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
296	317	202	2*	1**	-1

Expected Results	**Performance Indicators**	**Targets**	**Performance Status**	**Performance Summary**
Make available information to the public on labour relations issues within the RCMP to support accountability and transparency.	Subscription levels for quarterly *Communiqué*; subscription levels for annual report; Website traffic; volume of requests for information.	ERC is committed to maintaining current levels	Exceeded	While levels of engagement with the RCMP have been maintained across the various measures, the upgrade to its website has contributed to an increase much higher than anticipated.
Increase awareness of labour relations issues and resolutions within RCMP Policy.	Website access statistics; subscription and distribution data; number of requests for information; number of outreach events.	ERC is committed to maintaining current levels	Exceeded	Increased traffic indicates a greater accessibility as well as a greater than expected increase in awareness.

* 1 FTE is for 9/12th of the year.
** External service provider was used in place of 1 planned FTE for this fiscal year.

The ERC strives to make information available in a timely and accessible way, with the objective of influencing in a positive way the RCMP labour relations environment, and contributing to the disciplines of administrative and labour law.

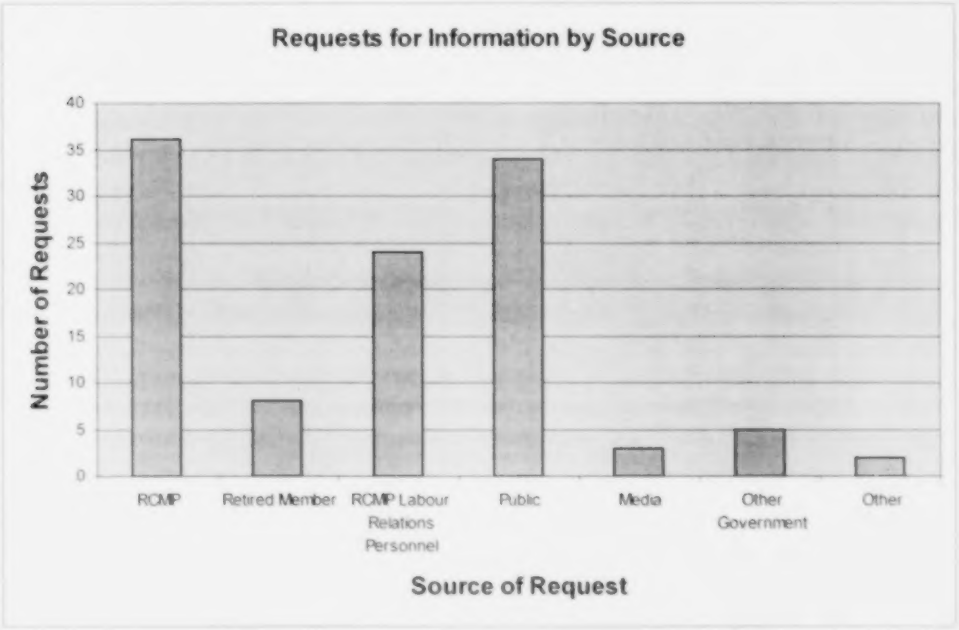
Summaries of the ERC's findings and recommendations in each case, as well as articles of interest, relevant legal principles and information on related issues, are distributed widely. Communication and outreach tools include: a quarterly publication (*Communiqué*); a Website with up-to-date inclusion of publications and case summaries; the Annual Report; and presentations, meetings, offered training and other outreach activities.

This part of the ERC's work is dedicated to program activity 2, and it directly supports priority 2.

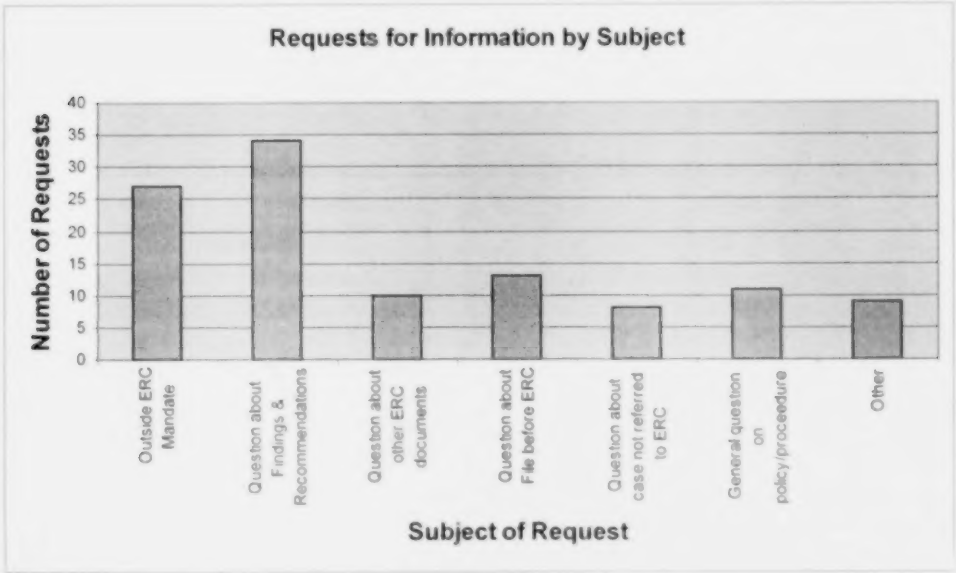
Performance Analysis

Requests for Information

In 2008-09, the ERC received a total of 113 requests for information. On average, the ERC provided an answer to each such request within 4 days. Over one third of the requests came from the RCMP itself. Members of the public were the second largest group of requesters.



The graph below illustrates the range of general categories of requests received. Several requests were straightforward and the requesters were given appropriate information and direction. However other requests were complicated and required more time and effort for a complete and accurate response. By far, the median response time was one day, indicating that a small number of complex inquiries was significantly time-consuming.



Lessons Learned

The ERC is aware that it has given priority to its case review function above outreach and information dissemination. Nonetheless, it appears that a significant performance improvement can be realized in this area through the use of modern technology. With some effort, the ERC will investigate the benefits of expanding the current use of technology to disseminate information.

SECTION III: SUPPLEMENTARY INFORMATION

Financial Highlights

($ thousands)

Condensed Statement of Financial Position At End of Year (March 31, 2009)			
	% of Change	**2009**	**2008**
Total Assets	(19)	15,515	19,102
Total Liabilities	20	244,764	203,672
Total Equity	24	(229,249)	(184,570)
Total	**(19)**	**15,515**	**19,102**

($ thousands)

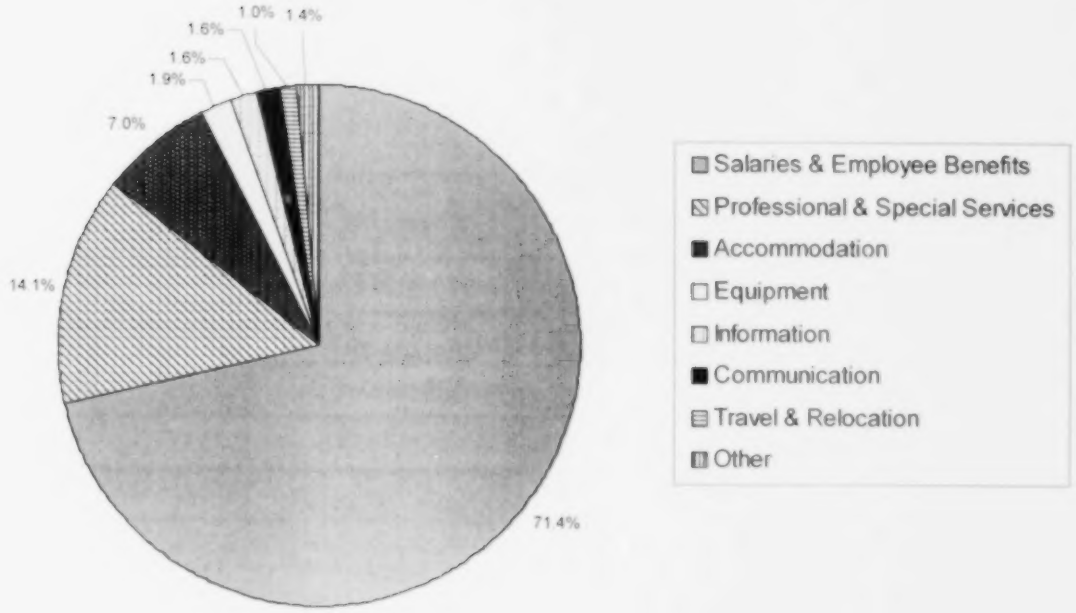
Condensed Statement of Financial Position At End of Year (March 31, 2009)			
	% of Change	**2009**	**2008**
Total Expenses	15	1,542,148	1,337,253
Total Revenues	n/a	10	0
Net Cost of Operations	**15**	**1,542,138**	**1,337,253**

Financial Highlights Chart

($ thousands)

Condensed Statement of Financial Position		
At End of Year (March 31, 2009)	**2009**	**2008**
Salaries & employee benefits	1,101,677	899,347
Professional & special services	218,096	247,214
Accommodation	107,616	96,214
Equipment	29,257	13,473
Information	24,474	28,897
Communication	23,938	15,551
Travel & relocation	15,967	17,511
Utilities, material & supplies	11,862	12,050
Equipment rentals	5,738	5,511
Amortization	3,349	438
Repairs	175	369
Total Expenses	**1,542,148**	**1,337,253**

Expenses - Where Funds Go



Note: Other (1.4%) includes expenses for Utilities, material & supplies; Equipment Rentals; Amortization; and Repairs.

What appear above to be relatively insignificant sums for most government departments, can be better depicted as percentages of total expenditures. It is clear that the ERC relies principally on its staff complement. The second largest budget component attributed to professional and special services represents several small scale contracts for a variety of transactional support services that are normally furnished by full time equivalents in large departments. However, given the small size of the ERC and its associated transactions in each of these areas, it is not possible to employ public servants to provide these specialized services in an ongoing efficient manner that builds internal capacity. Additionally, the graph illustrates that the bulk of additional resources has been expended for human resources as intended.

Financial Statements

The ERC's 2008-09 financial statements can be found on its website at www.erc-cee.gc.ca.

List of Supplementary Information Tables

Table 1: User Fees

For supplementary information on the ERC's User Fees, please visit: http://www.tbs-sct.gc.ca/dpr-rmr/2007-2008/index-eng.asp

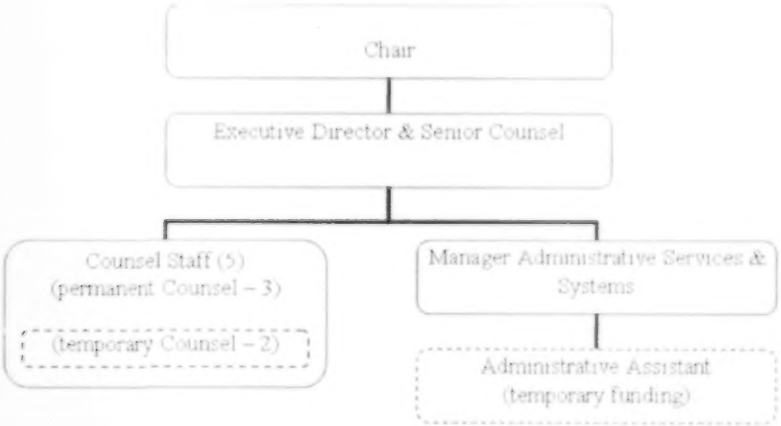
Table 2: Internal Audits

For supplementary information on the ERC's Internal Audits, please visit: http://www.tbs-sct.gc.ca/dpr-rmr/2007-2008/index-eng.asp

Other Items of Interest

Organizational Information

The ERC reports directly to Parliament through the Minister of Public Safety. The ERC has a single member, the Chair, who is appointed by Order in Council.



The ERC also engages in internal services such as corporate and administrative services, including those in the following areas: Management and Oversight, Human Resources Management, Financial Management, Supply Chain Management, Information Management, Information Technology, Legal, Evaluation, Internal Audit, and Others, including general administrative support and monitoring of shared service agreements. Internal services are very important as they support all program activities and priorities of the ERC.

Resource Person

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